

Legislature and it shall be their duty, exclusively, to issue the necessary warrants for the same upon the Treasury of the State of Texas for the respective amounts.

Sec. 3. That the certificate of the Chairman of the Committee on Contingent Expense of the Senate, approved by the President of the Senate, or of the Chairman of the Committee on Contingent Expenses of the House of Representatives, approved by the Speaker of the House, as the case may be, shall be sufficient authority to authorize the Comptroller to issue warrants upon the Treasury of the State of Texas for the payment of accounts for contingent expenses herein provided to be paid.

Sec. 4. The fact that the 3rd Called Session of the 42nd Legislature of the State of Texas is now in session, and public policy requires that the appropriation made by this Act shall be made immediately available, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
September 2, 1932.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent.

Cousins.

Absent—Excused.

Greer.
Hopkins.

Pollard.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Williamson:

S. B. No. 13, A bill to be entitled "An Act to amend Article 577, of the Code of Criminal Procedure of the State of Texas, 1925, which provides that the district or county attorney may, by permission of the court, dismiss a criminal action upon filing a written statement with the papers in the case and setting out his reasons for such dismissal, which shall be incorporated in the judgment of dismissal and which provides that no case shall be dismissed without the consent of the presiding judge, so as to provide that the presiding judge, may, on his own motion, dismiss cases, and requiring him to set out his reason for such dismissal in the judgment of dismissal; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Williamson:

S. B. No. 14, A bill to be entitled "An Act amending Article 7343 Revised Civil Statutes of Texas, 1925, by providing a fee to the Clerk for the issuance of each citation and a fee to the Sheriff or Constable for the service of each citation; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Williamson:

S. B. No. 15, A bill to be entitled "An Act amending Article 1973 of the Revised Civil Statutes of 1925, which provides that each Clerk shall keep a file docket showing the number of the suit, the names of the attorneys, the names of the parties to the suit and the object thereof, and all subsequent proceedings had in the

case with the dates thereof, by providing that the clerk shall record on the file docket the officer's return on the process, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

Senators Excused.

The following Senators were excused for the day on account of important business:

Senator Hopkins, on motion of Senator Martin.

Senator Cousins, on motion of Senator Hardin.

Senator Pollard on motion of Senator Beck.

Message From the Governor.

September 2, 1932.

To the Members of the Senate, Forty-second Legislature:

On August 30, 1932, I submitted to you for confirmation the name of Hon. A. S. Mauzey of Sweetwater as District Judge of the 31st Judicial District of Texas.

This was in error, as he was in fact appointed as Presiding Judge of the 32nd Judicial District of Texas.

I hereby re-submit Judge Mauzey's appointment as Judge of the 32nd Judicial District for your confirmation in order to correct this error.

Respectfully submitted,

R. S. STERLING,
Governor.

Read and referred to Committee on Governor's Nominations.

Senate Simple Resolution No. 5.

Senator Woodward sent up the following resolution:

Whereas, It appears from the election returns that the Hon. Wm. Gibbs McAdoo has been nominated by the Democrats of California as their choice for United States Senator; and,

Whereas, Mr. McAdoo has rendered unselfish service to the Democracy of the Nation and was of great service to the Democratic party at the recent National Convention in aiding the nomination of Gov. Franklin D. Roosevelt as the party's candidate for President, and our own John N. Garner, Speaker of the House of Representatives, as the Party's candidate for Vice President; and,

WHEREAS, Mr. McAdoo will be

of great service to the Nation and will render valuable service to the Democratic Party as a member of the United States Senate and will become a valuable aid to Gov. Roosevelt and to Mr. Garner when they assume the duties of President and Vice President respectively.

Now therefore be it Resolved by the Senate of Texas, That in behalf of the Democracy of our State, he be congratulated upon his victory and the hope and desire of the members of the Senate of Texas is that he will be elected to the United States Senate from the great State of California.

Be it further Resolved, That the Secretary of the Senate forward a copy of this resolution to Mr. McAdoo.

WOODWARD.

Read and adopted.

Message From the Governor.

Executive Office,
Austin, Texas,
August 31, 1932.

To the Members of the Forty-second Legislature, 3rd Called Session:

My attention has been called to the fact, by interested citizens of this State, that it is highly essential that Article 515 and 517 of the Revised Civil Statutes of Texas, as amended, regulating the borrowing of money and the pledging of securities by State banking corporations be amended so as to permit State banks or State banks and trust companies to borrow money from and to pledge collaterals to the Reconstruction Finance Corporation.

I therefore hereby submit to you the subject of amending Articles 515 and 517 of the Revised Civil Statutes of Texas for the above mentioned purpose.

Respectfully submitted,

R. S. STERLING,
Governor.

Senate Simple Resolution No. 4.

Senator Woodul called for the consideration of S. R. No. 4.

Senator Martin raised the point of order that this resolution had just been reported and it would be necessary for the committee report to lie over one day.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order, (Rule 48, new Legislative

Manual) stating that this rule might be suspended by a two-thirds vote.

Senator Woodul moved to suspend this rule. The motion was lost by the following vote:

Yeas—15.

Beck.	Rawlings.
Berkeley.	Small.
Gainer.	Thomason.
Hardin.	Williamson.
Holbrook.	Woodruff.
Loy.	Woodul.
Oneal.	Woodward.
Purl.	

Nays—9.

Cunningham.	Parrish.
Hornsby.	Patton.
Martin.	Poage.
Neal.	Russek.
Parr.	

Present—Not Voting.

DeBerry.

Absent.

Moore.

Absent—Excused.

Cousins.	Pollard.
Greer.	

(Pair Recorded.)

Senator Stevenson (present), who would vote nay with Senator Hopkins (absent), who would vote yea.

(Two-thirds vote required.)

Senator Purl moved to reconsider the vote by which this resolution was referred to the committee.

The Chair, Lieutenant Governor Edgar E. Witt, held that the motion came too late because the committee had already reported on the resolution.

House Bill No. 1.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of the general revenues, to pay the per diem and mileage of members, the per diem of officers and employees and the contingent expenses of the Third Called Session of the Forty-second Legis-

lature of the State of Texas convened on the 30th day of August, 1932, by proclamation of the Governor; to supplement the like appropriations of the Regular Session, First and Second Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers or employees of the Regular Session, First and Second Called Sessions of said Legislature; to pay any unpaid claims and accounts of members, officers or employees of said sessions or of other persons, authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by concurrent resolution of the Forty-second Legislature at its Regular Session, First and Second Called Sessions; to pay the per diem of members, officers or employees for pre-session and post-session work of the Third Called Session of said Forty-second Legislature; providing how accounts may be approved and audited; and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Cousins.	Hopkins.
Greer.	Pollard.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Cunningham.
Berkeley.	DeBerry.

Gainer.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hornsby.	Russek.
Loy.	Small.
Martin.	Stevenson.
Moore.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.
Patton.	

Absent—Excused.

Cousins.	Hopkins.
Greer.	Pollard.

Senate Bill No. 1.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 1, A bill to be entitled "An Act amending Article 517 of the Revised Civil Statutes of the State of Texas as set out in the Acts of 1927, Fortieth Legislature, regulating the pledging of securities by State banking corporations and permitting them to pledge such securities to the Reconstruction Finance Corporation."

The committee substitute was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Purl, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Cousins.	Hopkins.
Greer.	Pollard.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Cousins.	Hopkins.
Greer.	Pollard.

Senate Bill No. 2.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 2, A bill to be entitled "An Act amending Article 515 of the Revised Civil Statutes of the State of Texas, limiting the indebtedness of State banking corporations, but permitting same to borrow in excess of this amount from the Reconstruction Finance Corporation, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Cousins.	Hopkins.
Greer.	Pollard.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent—Excused.

Cousins.	Hopkins.
Greer.	Pollard.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 2, 1932.

Hon. Edgar Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. C. R. No. 1 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Sanders, Murphy, Moffett, Ford, Anderson.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Adjournment.

Senator Woodward moved to adjourn until Monday morning at 10 o'clock. The motion was lost by the following vote:

Yeas—11.

Holbrook.	Small.
Hornsby.	Stevenson.
Martin.	Williamson.
Parr.	Woodul.
Parrish.	Woodward.
Russek.	

Nays—12.

Berkeley.	Gainer.
Cunningham.	Loy.
DeBerry.	Neal.

Oneal.
Patton.
Poage.

Purl.
Thomason.
Woodruff.

Absent.

Beck.	Moore.
Hardin.	Rawlings.

Absent—Excused.

Cousins.	Hopkins.
Greer.	Pollard.

Senator Martin moved to adjourn until tomorrow morning at 10 o'clock. The motion prevailed and at 10:52 o'clock a. m., the Senate adjourned.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Sept. 1, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. J. R. No. 1 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, Sept. 1, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. C. S. for S. B. No. 3, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 1, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. R. No. 4, have had the same under consideration, and I am instructed to report the same back with the recommendation that it do pass with committee amendments.

MOORE, Chairman.

Committee Amendment No. 1.

Amend S. R. No. 4 by adding a new paragraph to read as follows:

Said committee is further directed to investigate the amount of moneys

spent in excess of the amount authorized by statute and ascertain the source of campaign funds and who received said funds.

Committee Amendment No. 2.

Amend S. R. No. 4 by adding after last paragraph the following:

"Committee is further instructed to investigate if any State Departments, members, or employees of State Departments have violated the statutory rider of General Laws of the Regular Session 42nd Legislature," which reads as follows:

Provided, that no Department included in this Act shall use any of the means or funds appropriated to such Department, either directly or indirectly, for the purpose of sending out literature, propaganda, letters or bulletins, or any other matter, printed or written, or that will influence, or tend to influence in any way election of any candidate for office or the passage or repeal of any law or appropriation affecting any Department included in this bill; and provided, further, that no stenographer or clerk whose salary is paid from public funds or who is employed in any way in any Department included in this Act, shall in any way, be used or employed in preparation of or mailing out of, or in any way handling such literature, propaganda, letters or bulletins, or any other matter, printed or written that will influence, or tend to influence, in any way the election of any candidate for office or the passage or repeal of any law or appropriation affecting any Department included in this Act, and no such work shall be done or performed in any of the offices or rooms of the Capitol or other State buildings, nor shall any long distance telephone calls or telegrams be paid out of this fund.

Committee Amendment No. 3.

Amend S. B. No. 4 by adding the following:

"Provided further that not more than \$5000.00 shall be expended by such committee and no warrants or claims in excess of such sum shall be approved or paid."

Committee Amendment No. 4.

Amend S. B. No. 4 by adding a new paragraph reading as follows:

2—Jour.

"The committee is also directed to inquire into and ascertain fully whether or not employees of the State government and county government have been assessed a certain percentage of their salaries to be used as a contribution for the campaign expense of their superior or head of the respective departments of our government."

FIFTH DAY.

Senate Chamber,
Austin, Texas,
September 3, 1932.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Cousins.	Russek.
Greer.	Small.
Hopkins.	Williamson.
Oneal.	Woodul.
Pollard.	Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Berkeley:

S. B. No. 16, A bill to be entitled "An Act to enable water control and improvement districts operating under Chapter 25, Acts of the Regular Session of the Thirty-ninth Legisla-